

### **REMARKS**

This responds to the Office Action mailed on September 11, 2007.

No claims are amended, canceled, or added; as a result, claims 1-7 and 10-30 are now pending in this application.

As an initial matter, Applicants traverse the statement repeatedly made in the Office Action that “Tran discloses essentially all the claimed invention as set fourth in the instant application” (sic). Applicants respectfully submit that this conclusory statement is not supported by any reasoning or evidence in the Office Action.

#### **35 USC §103 Rejection of the Claims**

Claims 1-30 were rejected under 35 USC § 103(a) as being unpatentable over Tran (U.S. Patent No. 7,065,063) in view of Wiedeman et al. (U.S. Patent No. 6,233,463). Applicants note that claims 8 and 9 were canceled in a previous amendment and are no longer pending in the application. Further, applicants note that claim 7 is not specifically treated in the rejection, although dependent claims 10 and 11 are.

Applicants respectfully traverse this rejection with respect to claims 1-7 and 10-30 on the grounds that a *prima facie* case of obviousness has not been established. Applicants respectfully submit that a proper *prima facie* case of obviousness has not been established because the combination of references does not disclose, teach, or suggest the subject matter of the claims.

#### **The combination of references does not disclose, teach, or suggest the claimed invention**

The Tran reference describes a “system for balancing communication traffic loading between adjacent base stations in a mobile communications network”. See the Abstract of Tran. Tran describes a mobile station combining the received signal strength indicator (RSSI) and a traffic indicator (trafnum) of base stations to arrive at adjusted signal strength indicator values (RSSI\_ADJ) for base stations. The RSSI\_ADJ values are compared to decide whether to roam to a different base station. See column 2, line 49 to column 3, line 23 of Tran.

Applicants respectfully submit that Tran does not disclose setting a timer as part of the roaming decision as alleged in the office action. Further, applicants respectfully submit that Tran

does not disclose comparing a metric that represents a quality of a current association to a threshold. Individual claims are now discussed.

Regarding claim 1, the office action alleges that Tran discloses “comparing a metric against a threshold” at column 3, lines 15-20. Applicants respectfully disagree. Applicants note that the metric referred to in the cited portion of the claim is defined in the previous clause of claim 1 as “representing a quality of a current association between a wireless network client and an access point.” The cited portion of Tran describes comparing a metric (RSSI) of a “roam candidate” to a threshold. The term “roam candidate” is used in Tran to describe base stations other than the currently associated base station. Accordingly, applicants respectfully submit that Tran does not disclose, teach or suggest “comparing the metric [representing a quality of a current association between a wireless network client and an access point] against a threshold” as alleged.

Still regarding claim 1, the office action alleges that Tran discloses “setting a timer for roaming attempt by a wireless network client” at column 4, lines 35-51. Applicants respectfully disagree. The cited portion of Tran describes “aging” a traffic indicator value. The aged traffic indicator is combined with the RSSI to arrive at the adjusted RSSI (RSSI\_ADJ), and the adjusted RSSI value is used in roaming decisions. Applicants respectfully submit that Tran does not disclose, teach, or suggest “setting a timer to delay a roaming attempt by the wireless network client” as alleged.

Still regarding claim 1, the office action correctly identifies Wiedeman as disclosing a delay timer. The delay timer of Wiedeman is set to “some” value to periodically test for the availability of a satellite system. See the cited portion of Wiedemann (e.g., column 10, lines 35-41). Applicants respectfully submit that the combination Wiedeman with Tran does not disclose, teach, or suggest the subject matter of claim 1. For example, the combination of references does not disclose, teach, or suggest “comparing the metric [representing a quality of a current association between a wireless network client and an access point] against a threshold”.

Accordingly, applicants believe claim 1 is in condition for allowance. Claims 2-6 depend on claim 1 and are believed to be in condition for allowance at least by virtue of dependency. In addition, claims 2-6 further define over the references of record.

Claim 7 was not specifically treated in the office action, although claim 7 was indicated as being rejected under 35 USC 103. Applicants respectfully submit that the cited references, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claim 7, including for example, "setting a timer ... to delay a roaming attempt...wherein the value to which the timer is set is influenced by a perceived quality of a current association". Accordingly, applicants believe claim 7 as amended is in condition for allowance. Claims 10-13 depend on claim 7 as amended and are believed to be in condition for allowance at least by virtue of dependency.

Independent claims 25 and 28 include limitations similar to claim 7. As discussed above, applicants respectfully submit that Tran does not disclose, teach, or suggest "wherein the processor is adapted to set a timer based on a perceived quality of a current association, and further adapted to attempt roaming when the timer expires" as recited in claim 25. Applicants further submit that Tran does not disclose, teach, or suggest "wherein the processor is adapted to set a timer based on a perceived quality of a current association, and further configured to attempt roaming when the timer expires" as recited in claim 28. Accordingly, applicants believe claims 25 and 28 are in condition for allowance. Claims 26, 27, 29, and 30 depend on claims 25 and 28, and are believed to be in condition for allowance at least by virtue of dependency.

Independent claims 14 and 21 clearly recite that the metric(s) "represent the quality of a current association between a wireless network client and an access point." As described above, applicants respectfully submit that the references do not disclose, teach or suggest setting a timer in response to metrics that correspond to a current association and delaying a roaming attempt. Accordingly, applicants believe the rejection of independent claims 14 and 21 should be withdrawn. Claims 15-20 and 22-24 depend on claims 14 and 21, respectively, and are believed to be in condition for allowance at least by virtue of dependency.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (952-473-8800) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 504238.

Respectfully submitted,

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By their Representatives,

**CUSTOMER NUMBER: 45445**

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Date 11-13-07

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13 day of November, 2007.

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